

was charged to be adulterated, and portions of which were charged to be misbranded in violation of the Food and Drugs Act as amended. A portion of the article consisted of tub butter. The remainder was print butter labeled in part: "Creamery Butter * * * One Pound Net Weight [or "16 Oz. Net"]".

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding of the print butter was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser. Misbranding was alleged with respect to the shipment charged to be short weight for the reason that the statement, "One Pound Net Weight", was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 21, 1933, the case came on for trial before the court and a jury. The trial was completed on November 22, 1933, on which date the case was submitted to the jury, which returned a verdict of not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

21609. Adulteration of apples. U. S. v. 18 Bushels and 93 Bushels of Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31649, 31650. Sample nos. 40403-A, 40422-A, 40423-A, 40424-A.)

These cases involved the interstate shipment of a quantity of apples, examination of which showed the presence of arsenic and lead in amounts that might have rendered the apples injurious to health.

On September 30, 1933, and October 2, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 111 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 25, 1933, by Clyde E. Dohm, from Sodus, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On November 13, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21610. Adulteration and misbranding of butter. U. S. v. Western Creamery Co., Inc. Plea of guilty. Fine, \$32. (F. & D. no. 30192. Sample nos. 1200-A, 14605-A, 17227-A, 29838-A.)

This case was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 10, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Creamery Co., Inc., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, in various shipments on or about August 29 and October 3, 1932, and March 7, 1933, respectively, from the State of Utah into the State of California, of quantities of butter that was adulterated and misbranded. The article was labeled in part: (Cartons) "Meadow Brook Butter Packed especially for Hollywood Market * * * Hollywood, California", or "Meadow Brook Butter Packed especially for South Gate Public Market * * * South Gate, L. A. Co. California."

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.